

ORDINANCE NO. 96-50

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT; MODIFYING FUTURE LAND USE ATLAS PAGE 83 BY CHANGING A 1.09 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF HYPOLUXO ROAD AND CONGRESS AVENUE, FROM MEDIUM RESIDENTIAL 5 TO COMMERCIAL LOW/5; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on October 25, 1996, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made a recommendation regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes at the conclusion of the public hearing; and

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1           WHEREAS, the Palm Beach County Board of County  
2 Commissioners, as the governing body of Palm Beach County,  
3 conducted a public hearing pursuant to Chapter 163, Part II,  
4 Florida Statutes, on December 2, 1996, to review the  
5 recommendation of the Local Planning Agency; and

6           WHEREAS, the Palm Beach County Board of County Commissioners  
7 has determined that the amendment complies with all requirements  
8 of the Local Government Comprehensive Planning and Land  
9 Development Regulation Act.

10  
11           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
12 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

13  
14           Part I. Amendment to the Future Land Use Atlas of the Land  
15 Use Element of the 1989 Comprehensive Plan

16           An Amendment to the Land Use Element's Future Land Use Atlas  
17 of the Palm Beach County 1989 Comprehensive Plan, is hereby  
18 adopted as follows:

19           A. Future Land Use Atlas page 83 is amended as follows:

20           Application No.:       SCA 96-S8

21           Amendment:           From 1.09 acres of Medium Residential 5  
22                                   (MR-5) to Commercial Low (CL) with an  
23                                   underlying Medium Residential 5  
24                                   (CL/MR-5).

25           General Location:   Northwest corner of the intersection of  
26                                   Hypoluxo Road and Congress Avenue.

27           Size:                1.09 acres

28  
29  
30           B. A legal description for the parcel depicting the  
31 amendment is attached to this ordinance as Exhibit 1.

32           C. A map depicting the amendment is attached to this  
33 ordinance as Exhibit 2.

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1 Part II. Effective Date

2 This amendment shall not become effective until 31 days  
3 after adoption. If challenged within 30 days after adoption,  
4 this amendment shall not become effective until the state land  
5 planning agency or the Administration Commission, respectively,  
6 issues a final order determining the amendment is in compliance.

7 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
8 Palm Beach County, on the 2 day of December, 1996.

9  
10 DOROTHY H. WILKEN

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

11  
12  
13  
14 By:

Deputy Clerk  
~~Chair~~

Burt Aaronson, Chair

15  
16  
17  
18  
19  
20 APPROVED AS TO FORM AND  
21 LEGAL SUFFICIENCY

22  
23  
24 COUNTY ATTORNEY

25  
26  
27 Filed with the Department of State on the 11th day of  
28 December, 19 96.

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Legal description:

LOTS 1,2,10,11 AND 12, BLOCK 1, HYPOLUXO VILLAGE PLAT NO. 1,  
UNRECORDED, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6,  
TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY,  
FLORIDA, THENCE N. 00° 16' 56" W. ALONG THE EAST LINE OF SAID  
SECTION 6, A DISTANCE OF 80.02 FEET; THENCE S. 88° 26' 04" W.  
PARALLEL TO THE SOUTH LINE OF SAID SECTION 6 A DISTANCE  
OF 84.46 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE  
S. 88° 26' 04" W. A DISTANCE OF 265.55 FEET. THENCE N. 00° 16' 56"  
W. A DISTANCE OF 100.00 FEET; THENCE N. 88° 26' 04" E. A  
DISTANCE OF 100.00 FEET; THENCE N. 00° 16' 56" W. A DISTANCE OF  
100.00 FEET; THENCE N. 88° 26' 04" E. A DISTANCE OF 164.43 FEET;  
THENCE S. 45° 55' 26" E. A DISTANCE OF 35.75 FEET; THENCE S. 00°  
16' 56" E. A DISTANCE OF 149.98 FEET; THENCE S. 44° 04' 34" W. A  
DISTANCE OF 34.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.09 +/-ACRES.

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## GENERALIZED LOCATION MAP



Future Land Use Map

96-58

~~96-58 COM 2~~

Zank Property

Size - 1.09 acres

Existing Use - Vacant

Existing FLU - MR-5

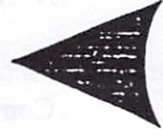
Existing Zoning - RS

Proposed FLU - CL/5

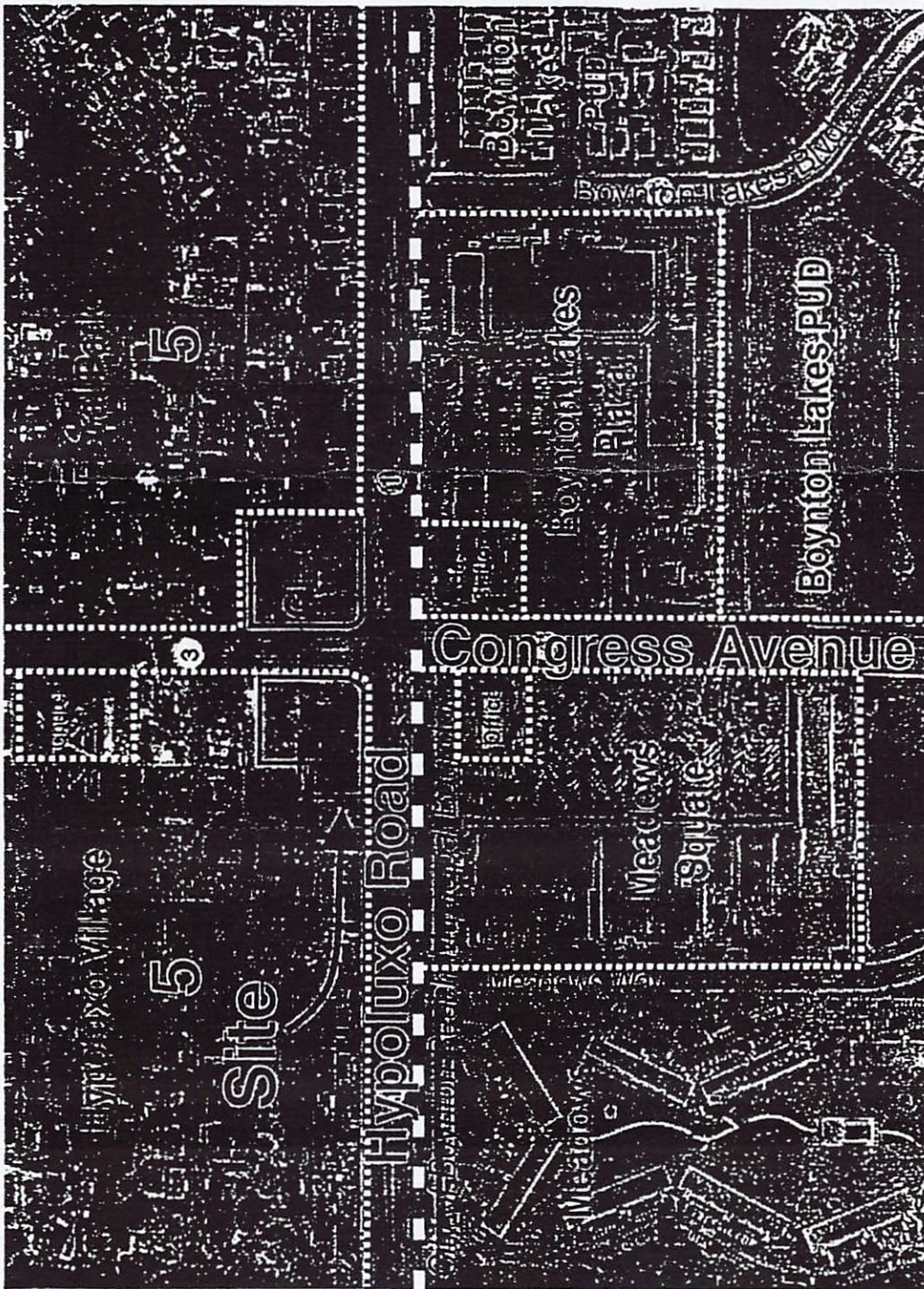
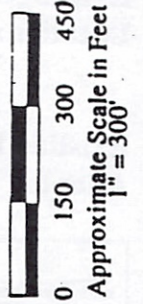
## Land Use Designations

5- Medium Residential

CL-O- Commercial Low-Office



North





DEC 23 1996

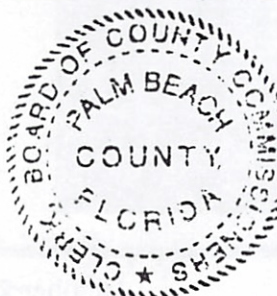
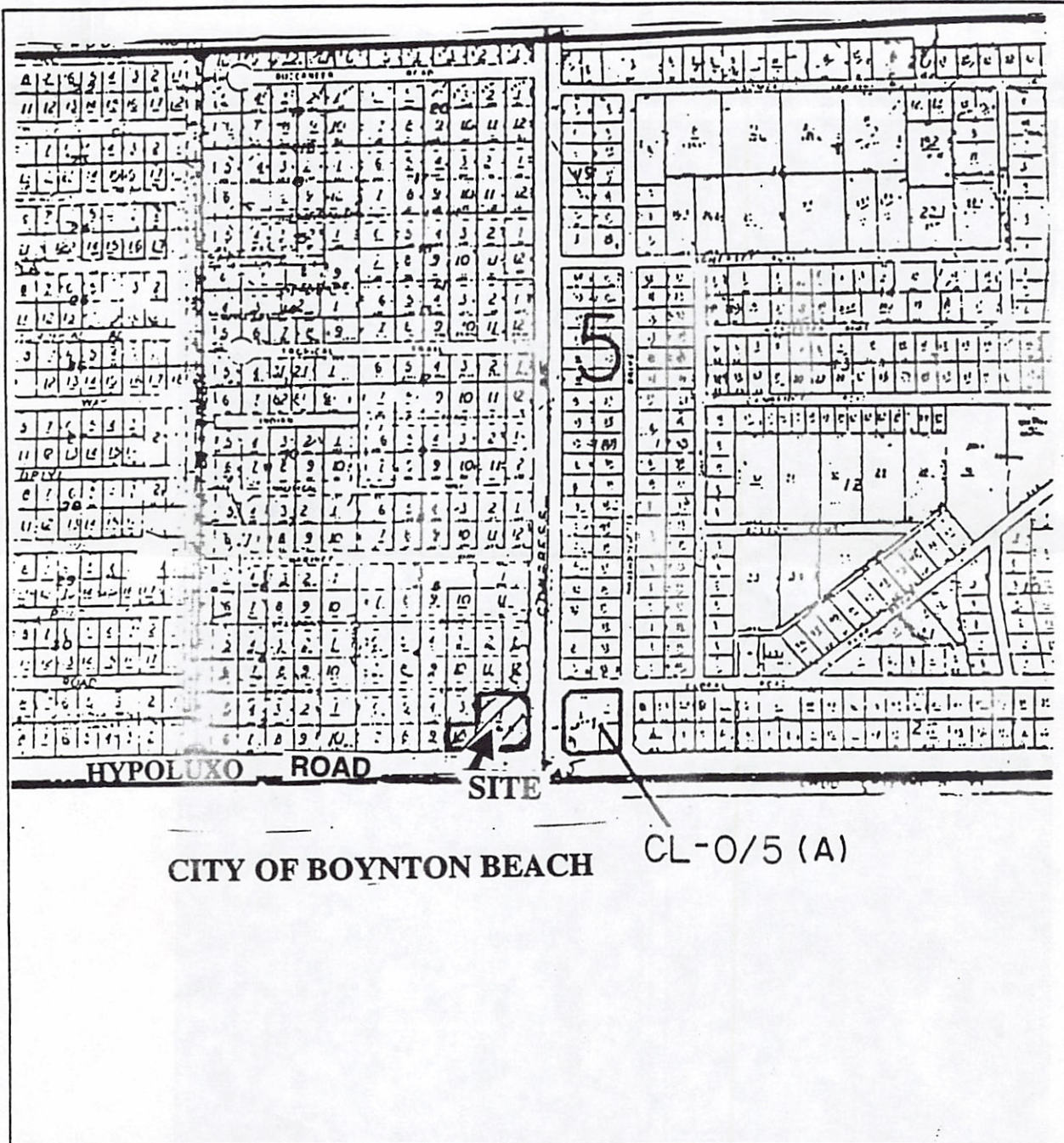
EXHIBIT 2

# GENERALIZED LOCATION MAP

Small Scale Amendment: 96-S8 (Zank Property) (Page # 83)

Size: 1.09 acres  
Existing Use: Vacant  
Location: Northwest corner of the intersection of Hypoluxo Road and Congress Avenue.

Existing FLU: Medium Residential, 5 units per acre (MR-5)  
Adopted FLU: Commercial Low/5 (CL/5)



STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on December 2, 1996  
DATED at West Palm Beach, FL on 12-19-96  
DOROTHY H. WILKEN, Clerk  
By: Gloria Madison D.C.

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